

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KELLY ALLEN, JOHNNIE E.
WARMACK, and JASMINE M. WARMACK,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOHNNIE EARL WARMACK,

Respondent-Appellant,

and

MARIE ALLEN,

Respondent.

In the Matter of KELLY ALLEN, JOHNNIE E.
WARMACK, and JASMINE M. WARMACK,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARIE ALLEN,

Respondent-Appellant,

and

JOHNNIE EARL WARMACK,

Respondent.

UNPUBLISHED

July 24, 2003

No. 244717

Wayne Circuit Court

Family Division

LC No. 81-228244

No. 244718

Wayne Circuit Court

Family Division

LC No. 81-228244

Before: Zahra, P.J., and Talbot and Owens, JJ.

MEMORANDUM.

In these consolidated cases, respondents appeal as of right from the trial court order terminating their parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). The trial court also terminated respondent Allen's parental rights under MCL 712A.19b(3)(i). We affirm.

In Docket No. 244717, we find the trial court did not clearly err in finding that § § 19b(3)(c)(i) and (g) were established by clear and convincing evidence. MCR 5.974(I);¹ *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent Warmack's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence established that respondent continued to use marijuana until shortly before the termination hearing and had not attended domestic violence counseling. Contrary to respondent's argument, the evidence demonstrated that his use of marijuana affected his ability to parent. Specifically, the evidence showed that respondent had physically abused the children while under the influence of marijuana. Moreover, he was unable to meet the children's special needs.

In Docket No. 244718, we find that the trial court did not clearly err in finding that § § 19b(3)(c)(i), (g), and (i) were established by clear and convincing evidence. MCR 5.974(I); *Sours*, *supra* at 633; *Miller*, *supra* at 337. Further, the evidence did not show that termination of respondent Allen's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo*, *supra* at 356-357. The evidence showed that respondent had not resolved her longstanding substance abuse problem, failed to complete domestic violence counseling, and was unable to meet the children's special needs. In addition, her parental rights to another child had previously been terminated.

Affirmed.

/s/ Brian K. Zahra
/s/ Michael J. Talbot
/s/ Donald S. Owens

¹ Effective May 1, 2003, the court rules governing proceedings regarding juveniles were amended and moved to the new subchapter 3.900. The provisions on termination of parental rights are found in MCR 3.977. In this opinion, we refer to the rules in effect at the time of the order terminating parental rights.